

**[Exempt From Filing Fee
Government Code § 6103]**

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

MAYRA ALVAREZ,

Plaintiff,

vs.

JOSE HUIZAR, an individual; CITY OF LOS
ANGELES, a municipality; and DOES 1-10,
inclusive,

Defendants.

Case No. 18STCV01722

[Assigned for All Purposes to:
Hon. Richard E. Rico, Dept. 17]

**DECLARATION OF MARY CARTER
ANDRUES IN SUPPORT OF MOTION TO
STAY ALL PROCEEDINGS PENDING
RESOLUTION OF CRIMINAL
INVESTIGATION**

**[Filed concurrently with Motion to Stay and
Declaration of James H. Demerjian]**

Date: June 24, 2019
Time: 8:30 a.m.
Dept.: 17

Reservation No. 910494920888

Action Filed: October 22, 2018
Trial Date: None Set

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DECLARATION OF MARY CARTER ANDRUES

I, MARY CARTER ANDRUES, hereby declare and state as follows:

1. I am a partner with the law firm of Andruess/Podberesky. This declaration is being submitted in support of Defendant Jose Huizar's Motion to Stay all Proceedings Pending Resolution of Criminal Investigation in the case entitled *Mayra Alvarez v. Jose Huizar and City of Los Angeles*, Case No. 18STCV01722, filed on October 22, 2018, in Los Angeles Superior Court, and assigned to the Hon. Richard E. Rico, Department 17, for all purposes. I am duly admitted to practice law in the State of California (SBN 138486), and I have personal knowledge of the matters set forth below, and could and would competently testify thereto if called upon to do so.

2. My partner, Vicki Podberesky (SBN123220), and I represent Los Angeles City Councilman Jose Huizar in a criminal investigation being conducted by the U.S. Attorney's Office for the Central District of California and the Federal Bureau of Investigation ("FBI").

3. On or about November 7, 2018, a federal search warrant was executed by the FBI at the personal residence of Councilman Huizar. That same day, federal search warrants also were executed by the FBI at Councilman Huizar's Offices. Based on newspaper articles and media reports, the search warrants appear to be part of an ongoing, and far-reaching, federal criminal and ethics investigation of elected officials, lobbyists, political action committees, and those doing business in the City of Los Angeles. However, no one has been arrested or charged in connection with the investigation.

4. Ms. Podberesky and I have been advised by Ms. Linda Miller Savitt, counsel of record for Councilman Huizar in this matter, that he has been named as a defendant, along with the City of Los Angeles, in the aforementioned action. We also have been advised by Ms. Miller Savitt that the plaintiff, Mayra Alvarez, recently has served the Councilman with extensive discovery, including Special Interrogatories, Requests for Production of Documents, and Requests for Admission.

5. Plaintiff's complaint and discovery significantly overlaps the ongoing federal criminal investigation and is aimed directly at undermining Councilman Huizar's constitutional and Fifth Amendment Rights during the pendency of the criminal investigation and impede his defense

1 to the allegations, some of which appear to have been levied by plaintiff.¹ Requiring Councilman
2 Huizar to respond to plaintiff's discovery, at this time, would be highly prejudicial, undermine his
3 defense of the criminal investigation, and impede his criminal counsels' ability to investigate the
4 case and mount a vigorous defense, without compromising the Councilman's constitutional
5 privileges, attorney-client privilege, and counsels' work product privilege. Based on our
6 understanding and a review of the Complaint and discovery served by plaintiff, we believe there are
7 significant overlapping issues.

8 6. Under these unique circumstances, Councilman Huizar respectfully requests that the
9 Court stay this action pending the outcome of the federal criminal investigation.

10 I declare under the penalties of perjury under the laws of the State of California that the
11 foregoing is true and correct to the best of my knowledge and belief.

12 This declaration was executed on May 16, 2019, in Los Angeles, California.



Mary Carter Andruess, Esq.
Partner, Andruess/Podberesky

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¹ Plaintiff's counsel, Mr. Terrence Jones, is well-versed in the significant constitutional and Fifth Amendment issues facing those under federal criminal investigation. By his own admission, Mr. Jones is a former Assistant U.S. Attorney, who now practices in the area of criminal defense. See <https://www.jonesonlaw.com/>. (last visited February 25, 2019).

PROOF OF SERVICE

Alvarez v. Huizar, et al.
LASC Case No. 18STCV01722

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 15760 Ventura Boulevard, Eighteenth Floor, Encino, CA 91436.

On May 24, 2019, I served true copies of the following document(s) described as **DECLARATION OF MARY CARTER ANDRUES IN SUPPORT OF MOTION TO STAY ALL PROCEEDINGS PENDING RESOLUTION OF CRIMINAL INVESTIGATION**, on the interested parties in this action as follows:

Terrence Jones, Esq.
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Attorney for Plaintiff

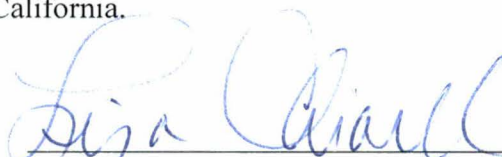
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BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List. I am "readily familiar" with Ballard Rosenberg Golper & Savitt, LLP's practice for collecting and processing correspondence for mailing with the United States Postal Service. Under that practice, it would be deposited with the United States Postal Service that same day in the ordinary course of business. Such envelope(s) were placed for collection and mailing with postage thereon fully prepaid at Encino, California, on that same day following ordinary business practices.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 24, 2019, at Encino, California.


Lisa Chiarella